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Lina Edwin Raises the Wind to the Tune of \$1.000-Her Friend the Sufferer-Perils of Accommodation Notes-Important Ruling by Judge Joachimsen.

THE SMITH-WHITE HOMICIDE.

White Indicted for Murder in the First Degree-His Arraignment-Plea of Manslaughter in the Third Degree Interposed and Accepted-Sentenced to Two Years in the State Prison.

THE ANDRIE WIFE HOMICIDE

Emil Andrie Sentenced to the State Prison for Four Years-Remarks of the Court in Passing Sentence.

The Grand Jury on Concert Saloons and Targeteers.

A Presentment Urging Their Suppression-Cause of the Prevalence of Crime in the City-The Police To Be Sustained in Their Raids and Prosecutions.

BUSINESS IN THE OTHER COURTS.

Summaries—The Eric-Gould Suit—The Greenthal Case-Action Against Ex-Sheriff O'Brien-The Liabilities of Societies for Rent-Business in the General Sessions.

In the United States Circuit Court yesterday, Judge Woodruif, sitting in Chambers, opened the default which was recently taken for \$700,000 against the seven sureties of ex-Collector Bailey. The Judge, in coming to this conclusion, holds that the notice of the intention of the government to take the default was not sufficient. The demurrer to the complaint will, probably, be argued in the

course of the ensuing week.

The case of Edward Robinson and Enoch Chamberlin, alleged bankrupts, came before Judge Woodruff yesterday in the United States Circuit Court on a petition for review of proceedings had in the cause in the District Court. Robinson and Chamberlin received their discharge as bankrupts in July, 1869. William A. Coit, a creditor, has filed a petition of review, claiming that the bankrupts had sworn falsely in reference to material facts concerning their property. The bankrupts hold statement of their affairs. Having heard the arguments of counsel the Judge took the papers

Yesterday Commissioner Osborn resumed the examination of Julius A. Julian, of No. 515 Pearl street, who is charged with having forwarded an obscene publication through the mail. The evidence showed that Mr. Comstock, who is connected with the Young Men's Christian Association, and engaged in the suppressiom of bad books and pictures, addressed letters to the accused, asking him to forward specimens of his goods. Letters in re-ply were received by Mr. Comstock, and one of maintain to be of an immoral nature. Counsel for defence objected to the letter on the ground that there was no proof that the defendant had writ-ten it. The letter was received subject to the objection, after which the case went over till Sat-

Commissioner Shields yesterday discharged Morris and Jacob Peiser, who had been charged before him with having committed acts of alleged fraudu lent bankruptcy.

William Dycer, charged before Commissioner Shields with having passed a \$100 counterfeit bill at a house up town, was discharged. The evidence offered in support of the charge failed to show that the defendant was guilty of any criminal intent in

Christian Lorenz was brought before Commissioner Osborn yesterday, and charged with operating and running an illicit distillery at 1,773 Third

wenue. He was held for examination.

The case of the Wisconsin Marine and Fire Insurance Company vs. Dows and others has been on trial in the United States Circuit Court, before Judge Shipman and a jury, for the last seven or eight days. It was, as already reported in the HERALD, an action to recover the value of about twenty-six thousand bushels of wheet, which, the plaintiff alleged, the defendants wrongfully converted to their own use, and for the purchase of which plaintiff claimed they had advanced the money. The defendants pleaded the general issue, Yesterday the jury rendered a verdict for the plain-

Judge Biatchford yesterday rendered a decision in the admiralty case of James Murray and George E. Holyoke vs. the schooner Ocean Belle. We give in our law report a synopsis of the opinion, which relates to the rights of majority and minority owners of vessels.

The appeal from Judge Gilbert's decision confirm ing the report of the Commissioners on the Broad way widening was argued yesterday morning before the General Term by Lewis L. Delafield for the appellants, who are citizens assessed for the improvement. Mr. Anderson argued the appeals of Messre. Sacchi and Pell. Mr. O'Gorman and Mr. Vanderpoel replied, controverting the points made

by the appellants. The Court reserved its decision. In the Court of Common Pleas, Part 2, yesterday, before Judge Larremore and a special jury, the case of Lowenbein et al. vs. James Skewmerhorn was brought to a close after an investigation extending over four days, and resulted in a verdict for the defendant. This case is one of considerable in portance as affecting the liability of a surety for the payment of a certain amount of rent where the peaceable possession of the premises by the tenant a disturbed by hostile acts of the lessors. The case

will be found reported below.
In the Court of Common Pleas, Part 1, yesterday.

before a special jury, Judge Loew disposed of an important case affecting the liability of a Sherin in executing a levy and levying upon articles in excess of the amount claimed in the warrant. The Court awarded the plaintiff damages to the amount realized by the sale of his goods so seized, notwith standing that an attempt had been made to prove that they were given to a house of ill fame to enable them to carry on an illegal business.

In the General Sessions yesterday Emil Andrie, convicted of mansiaughter in the third degree for the killing of his wife, was sentenced by Judge

the killing of his wife, was sentenced by Judge

Bedford to five years at Sing Sing.

Nicholas White was indicted by the General Sessions Grand Jury for murder in the first degree for the killing of James Smith on the 21st of July last, Yesterday, on his arraignment, his counsel interposed a plea of manslaughter in the third degree, which was accepted. He was sentenced to two years at Sing Sing.

IMPORTANT BANKRUPTCY CASE.

Alleged Fraudulent Suppression of Property and Non-Production of Books and Papers-Proceedings in the United States District Court Reviewed-Decision Reserved.

Yesterday Judge Woodruff, sitting in Chambers, in the United States Circuit Court, heard an argument in the matter of Edward Robinson and Enoch Chamberlin, alleged bankrupts. The case came up, on review, on the petition of William A. Colt, creditor. Robinson and Chamberlin, on their own petition, were decreed bankrupts by the District Court, in February, 1868. Coit, a creditor who had proved his debt, appeared before the Register and examined the bankrupts and witnesses in pursuance of section 26 of the act. Subsequently the bankrupts applied for a act. Subsequently the bankrupts applied for a discharge and Coit filed specifications of his objections. The District Court heard the matter on the objections, under section 31 of the act, and granted the discharge of both bankrupts July 17, 1869. Coit now brings the matter before the Circuit Court by petition to review the proceedings in the Court below, and claims that the application for a discharge should have been denied for causes which he alleges. The two bankrupts were copartners under the firm of E. Robinson. They carried on the business of making knapsacks for the government in 1862, and afterwards engaged in making guns and in working a cotton plantation and a rolling mill. This firm was doing a large business. Chamberlin put in \$36,000 capital. The first contract for knapsacks amounted to \$100,000. One contract was for fifteen thousand to twenty thousand guns. Chamberlin estimated himself in 1863 as worth not less than one hundred thousand dollars, and able to realize from the business eventually \$300,000. The first specification of the petition for review states that Robinson and Chamberlin, when examined before Mr. Edgar Ketchum, the Register, on the 2d of October, 1868, and on subsequent days, swore falsely in regard to material facts concerning their estates and debts. It is charged that Robinson stated in his examination that he did not know of Coit's obtainning for the bankrupts about twenty-eight thousand dollars from the Central Bank of Brooklyn on quartermaster's certificates, and that he never had such transaction with Coit; whereas he well knew as the specification alleges) that Coit did, in fact, obtain the sum in discharge and Coit filed specifications of his objectral Bank of Brooklyn on quarterman cates, and that he never had such transaction with Cott; whereas he well knew (as the specification alleges) that Cott did, in fact, obtain the sum in question from the Central Bank for the bankrupts on the certificates mentioned. Other specifications charge that the bankrupts swore falsely in their schedule with respect to both their real and personal estate; that they produced, on the examination, only a part of their books in so torn and mutilated a condition as to be useless for the purination, only a part of their books in so torn and mutilated a condition as to be useless for the purpose of showing th ir transactions; that Chamberlin made conveyances of real estate in fraud of his creditors, for the purpose of covering up and concealing his property, and that he still holds an interest in this property, and that he refused to comply with a demand to produce his bank book and checks with the Chemical Bank. The bankrupts claim that the discharge granted them by the District Judge on July 17, 1869, was granted after there had been a searching investigation into their affairs; that they gave full disclosures respecting their business transactions, and that here is now no reason for disturbing the discharge. The arguments having been concluded the Judge took the papers and reserved his decision.

INTERESTING ADMIRALTY CASE.

The Possession and Sale of Vessels-Matters of Account Between Part Owners of Ships-The Decision by Judge Blatchford.

Yesterday, in the United States District Court, Judge Blatchford rendered his decision in the ease of James Murray and George E. Holyoke vs. The this case, flied in December, 1869, styles itself a libel "in a cause of possession and sale." It prays person. On the filing of the libel commanding an

for no process against the vessel or against any person. On the filing of the libel commanding an attachment of the vessel a writ was issued. Under it the vessel was attached. A claim to the vessel was filed on behalf of the owners of eleven-sixteenths of her. She was discharged from arrest on a bond in the sum of \$4,500, conditioned to abide the decree of the Court,

The claimants filed exceptions to the effect that the libel does not state or set up cause of action cognizable in the Courts. That the Court has no power under the statements in the libel to take possession from the claimants or to deliver it to the libellants. That the Court has no jurisdiction to order the sale of said vessel to pay her debts. That the libellants on ot set up any facts that entitle them to the interference of the Court. The Judge holds that the Court has no power to take the vessel out of the possession of the majority owners and put her into the possession of the majority owners and put her into the possession of the majority owners and therefore, as the majority intend to employ her on a voyage, they have a right to select the voyage and keep possession of the vessel while she is employed, subject only to the requirement of giving bond for her safe return if such bond is required. The bond asked for by the libel, in case the vessel is left in the possession of the other owners, is one which this Court has no power to require, except so far as the libel may be regarded as asking lora bond for the safe return of the vessel. The Lourt has no jurisdiction in matters of account between part owners of a vessel. His Honor cites authorities in support of this position. It follows, therefore, that it cannot require the other owners to give a bond to the libellants to cover the part indebtedness of the vessel. The account between part owners of a vessel. The other owners to give a bond to the libellants to cover the part indebtedness of the vessel. The other owners to give a bond to the libellants to cover the part indebtedness of the E. D. McCarthy for the libellants, C. Donohue for

LINA EDWIN'S FINANCIERING.

Her Friend the Sufferer-Perils of Accommodation Notes-Fraud in a Chattel Mortgage-Important Ruling.

Mary Drinin sued Albert T. Mosher. This case has been tried in the Marine Court, part 3, before Judge Joachmsen. It arose upon the following facts:-In May, 1871, Lina Edwin, a well-known artist, borrowed \$1,000 cash from Mrs. Cagney and made a chattel mortgage, payable on demand, on furniture in her possession. She paid \$50 on account, but being pressed in September, 1871, induced Mr. Mosher, as her friend and without any other consideration, to help her with his note for \$1,000, payable seventy days after date, which note she endorsed and handed to Mrs. Cagney and immediately left for Europe. The mortgage and note were assigned by Cagney to the present plaintiff, who realized about \$113 on the sale of some of the

were assigned by Cagney to the present plaintiff, who realized about \$113 on the sale of some of the mortgaged articles, the mortgage being, however, mostly on property belonging to Mr. George W. Clark. The following is the substance of the decision of the Court:—

It is contended on the authorities mainly of Culver vs. Sisson (3 Comstock, 264), and Baiter vs. Ripp (3 Keyes, 219), that there was no personal hability from Edwin to Cagney for this loan. In Culver vs. Sisson the Court of Appeals decided that a technical action of debt cannot be instituted upon a mortgage in form like the present one, but does not establish that the borrower is not liable in some other form for the money loaned him. In Baiter vs. Ripp the Court distinguishes between "the mortgage upon its face" and "the due bills which were given for the loan." In that case there was no fraud. Here Edwin mortgaged or assumed to deal as owner with another person's furniture. In my judgment there was a debt from Edwin to Cagney arising upon the original loan. Upon the authorities cited by the plaintiff's counsel the acceptance of a collateral security is for "consideration," and in this case the taking of the note by Cagney changed the time of payment from a demand debt to the expiration of defendant's note. (Place vs. Mclivane, 1 Daly, 263, S. C., affirmed 33 N. Y., p. 96). It is because of such change that in like cases an endorser on the original note is discharged, but this is not the only effect. The primary effect is to novate the original contract as to time of payment. It is urged that there is no evidence that Cagney agreed to take this note as "collateral security." She took it from Edwin without any remarks being made by either of them. The facts that Edwin was required to pay, obtained, endorsed, and passed this note to Cagney, impress upon the transaction its undoubted vharacter; that Edwin, conscious of having obtained, such his assent, used this note to obtain ty, with such the second at the conclusion that the note, if

believed to be primarily an accommodation note, was not diverted from its original purpose "to help her." She used it to aid her, and the defendant ought not to complain that his obligation, valid on its face and purporting to be for value received, is enforced against him by law.

Judgment for plaintift for balance unpaid and interest, amounting to \$920, and costs, and \$25 allowance.

THE WHITE-SMITH HOMICIDE.

Nicholas White Indicted for Murder in in the Third Degree Interposed and Accepted by the Court-The Facts of the Case-White Sentenced to Two

Years at Sing Sing.

Nicholas White, the prisoner in this case, was indicted by the General Sessions Grand Jury for murder in the first degree, for deliberately shooting a young man named James Smith, on the 21st of July last, at the corner of Lewis and Rivington streets, in this city. A few days since, on the calling on of the trial, prisoner's counsel, Mr. William F. Howe, succeeded in interposing a plea of guilty of manslaughter in the third degree instead of murder in the first degree, of which he was originally indicted by the Grand Jury. White was arraigned yesterday morning before the Court of General Sessions, Judge Bedford presiding, for sentence on the plea interposed by his counsel.

INTERPOSING A PLEA. Mr. William F, Howe read a number of amdavits showing that White was completely justified in showing that White was completely justified in shooting Smith. The prisoner's barkeeper deposed that Smith and a friend entered his store and threatened to shoot him, and that white was violently assaulted by the deceased and defended himself by firing a pistol. The depositions of several respectable merchants testifying to the excellent character of the accused were read, and also that of a detective officer, who swore that the deceased and his friend were bad characters. A long conversational debate occurred between Colonel Fellows and Mr. Howe, the prosecuting officer contending that it would be an improper act to send White to the State Prison, for if the affidavits were true they furnished a comple justification. Mr. Howe, on the other hand, said that the verdicts of juries were uncertain and he would be satisfied if the Judge imposed the lowest penalty on the plea, which was one year's imprisonment in the State Prison. He would then apply to the Governor for a pardon.

Judge Bedford suggested that under the circumstances surrounding the case the plea should be withdrawn, for he could not conscientiously sentence a man to any penal institution upon such affidavits, provided they were true.

Mr. Howe declined to withdraw the plea and withdrew his affidavits asking the Court to pass judgment upon the testimony for the people.

The City Judge in disposing of White, who is a man forty years of age, said that when a plea of mansiangher is interposed he was bound under his official oath to send the prisoner to the State Prison. Counsel having withdrawn the affidavits and the District Attorney stating that it was not more than manslaughter in the third degree, he would also take into consideration the other fact that the county was saved the expense of a trial. The sentence imposed was two years imprisonment in the State Prison.

The interposition of the plea, as seen above, relieved the coloted prisoner's counsel in securing for his client a more favorable sentence than if the case had been actually tried and su shooting Smith. The prisoner's barkeeper de-

THE ANDRIE WIFE HOMICIDE.

Emil Andrie Sent to the State Prison for Four Years Upon the Verdict of Mauslaughter-Remarks of the Court in Yesterday in the General Sessions Emil Andrie.

who was convicted on Wednesday evening of manslaughter in the third degree, was brought up for

nduce His Honor to be lenient, stating that Andrie was a civil engineer and a man of education, and that the respectable portion of the French residents of this city sympathized with his client. Colonel Fellows, who tried the case with great ability, said that he believed all the mercy which

ability, said that he believed all the mercy which should be shown to Andrie was awarded him by the verdict of the jury.

Judge Bedford, in passing sentence, said:—The Grand Jury indicted Andrie for murder. He was most ably defended, honorably prosecuted, and, I think, fairly tried. The facts established in behalf of the people to prove the shooting were overwhelmingly against the prisoner, and to meet them with any success the only plea that could be offered, which was offered with as much ability and eloquence as I ever listened to through his counsel, was insanity. The jury by the rendition of their verdict utterly ignored that plea, and by finding him guilty of mansiaughter in the third degree necessarily found that he was sane at the time that he shot his wife. I have given this case since the rendition of the verdict much reflection and great deliberation. I had an interview with the District Attorney, Judge Garvin, and also with Colonel Fellows in his views, that all the leniency that Andrie was entitled to, considering the facts surrounding the shooting, he received at the hands of the jury. Therefore it seems to me in behalf of this community I owe it to them, under my official oath, to pronounce the sentence prescribed by the statute, which is imprisonment in the State Prison oath, to pronounce the sentence prescribed by the statute, which is imprisonment in the State Prison

for the term of four years.

Andrie was removed from the bar after the remarks of the Judge were communicated to him by

TARGET EXCURSIONS AND CON-CERT SALCONS.

The Presentment of the Grand Jury Thereon-Cause of the Prevalence of Crime-The Police To Be Sustained in Suppressing Concert Saloons.

Yesterday the Grand Jury came into the Court of General Sessions and presented a large number of indictments. The foreman read the subjoined pre-

The Grand Jury of the November term, in finishing their labors, avail themselves of this opportunity to present to the Court that in the investigations of the various cases which have come before them a large amount of the crimes which have come to their knowledge consist of robberles from the person, many of which are attended with violence, and the greater part of which are committed by the followers of target companies. They believe that if all target excursions were accompanied by a proper force of police, and compelled to comply with the Processions act, many of these offences might be prevented. They find by the investigations which they have made that many of the young are tempted into crime by following and being attendant on these excursions, and they desire that the Court should call the attention of the proper authorities to put in force such means as would tend to prevent these crimes and protect the public in their legitimate pursuits.

JAMES B. BRADY, Foreman.

The Grand Jury of the November term also desire to express their approval and earnest wish that the police may be properly sustained in the discharge of their duties and aided in their efforts to suppress those haunts of vice in their precints commonly called concert saloons, where waiter girls in seminude costumes are allowed to flaunt their brazen persons in the eyes of the patrons of those establishments, leading many of the young into temptation and crime, and that the Commissioners of Police should sustain their officers in their efforts to suppress these places of resort.

JAMES B. BRADY.

The foreman then informed Judge Bedford that

The foreman then informed Judge Bedford that the Grand Jury had completed their labors, whereupon His Honor discharged them, with the thanks of the Court.

BUSINESS IN THE OTHER COURTS.

SUPREME COURT-CHAMBERS.

The Eric-Gould Suit-A Stay of Proceedings Granted.

Mr. Cephas Brainard, the referee appointed to take the testimony of William R. Travers in the suit of the Eric Railway Company against Jay Gould, has received a copy of an order granted by Judge Fancher to show cause why the order ap-pointing him as referee should not be vacated, re-turnable at the Chambers of the Supreme Court to-morrow morning. Meanwhile all further pro-ceedings will be stayed.

The Greenthal Case. Justice Fancher, in the Supreme Court, Chambers, yesterday, granted a writ of habeas corpus to bring Abraham, alias "General" Greenthal from Auburn, the General Term of the Supreme Court having allowed him a new trial.

SUPREME COURT-BENERAL TERM.

Decisions.

In re Adam S. Cameron.—Order reversed.
In re Hannah Sterner.—Order reversed.
The People ex rel. Byrnes vs. The Board of Audit.—Order appealed from affirmed, with costs.
Martha Sherman vs. Daniel Paint.—Judgment affrmed, with costs.
Charles Moore vs. The People.—Judgment affrmed.

In re Lucinda L. Morgan.-Order affirmed, with Holdridge vs. Webb .- Judgment reversed and The People ex rel. Kingsland vs. Bradley.—Order

COURT OF COMMON PLEAS-PART L

Action Against the Sheriff of New York for Illegal Distress and Verdiet for Plaintiff—Offers to Bribe a Witness— Charge of Manufacturing a Bill of Sale. Before Judge Loew.

W. Purdy vs. ex-Sheriff James O'Brien.-This was an action brought by Mr. Purdy against Mr. James O'Brien, Sheriff of New York. The case created some excitement, as it was rumored that Mr. Purdy, the plaintiff, had indirectly offered a bribe of \$500 to Miss Phippany, an important witness in the case to absent herself from the Court; that Mr. Purdy had afterwards instructed her in the evidence she was to give, to which, however, she had dissented; that he had assured her if he succeeded in gaining the case it would be worth \$100 in her pocket. The bill of sale under which the property was held was reported to have been made up for the purpose, and to have been dated twelve months before it was actually made out and this Miss Phippany declared to persons in the

welve months before it was actually made out, and this Miss Phippany declared to persons in the Court was a fact, and further stated that Mr. O. Hall had been instrumental in getting it made up. She had never signed the document, notwithstanding that the bill of sale was made by her, it was signed for her by Mr. Hall, and he had made an error in doing so, having signed it "Catherine," while her name was "Fanny" Phippany. One witness, who, swore that she was a consenting party to the sale, was declared to have perjured himself, as at the time of the sale she was not in the country, and these and many other defails which leaked out in connection with the case showed the intention of the plaintin in the suit in anything but a favorable light.

The action arose thus:—It was an action brought by Mr. Purdy against the Sheriff of the city and country of New York to recover the sum of \$800 for the alleged wrongful taking and conversion of two couches, a table and six chairs. Mr. Purdy claimed that he had purchased these goods in connection with other property from Miss Phippany, who keeps a house at 120 West Twenty-seventh street, in this city, and which it was alleged in evidence was a house of ill fame. The purchase was made in October, 1808. Mr. Purdy testified that at the request of Miss Phippany he paid Mr. Byland, who held a mortgage on her property, the sum of \$4,000 odd, as purchase money for these goods, and that a bill of sale was alterwards executed by Miss Phippany, and that he left the goods in the place where they had been before his purchase of them. In 1809 a judgment was obtained in favor of Mr. Creer for \$00 odd, and in satisfaction thereof the Sheriff seized those goods, to recover which the present action was brought. The goods seized were an entire front suit of magnificently carved wainut furniture, amounting in value to over \$400, although this value was disputed; but it was sold by the Sheriff at public sale of \$90—a price which it was held could have been taken at the sale.

The defence pleaded

COURT OF COMMON PLEAS-PART 2.

Important Question Affecting the Lin. ility of Sureties for Rent-Verdict for

Before Judge Larremore.

Abraham Lowenbein et al. vs. James Skemmerhorn.—This was a suit brought against James Skem-merhorn as the surety of Lisle, Henney & Co., for a balance of rent of the premises Nos. 645 and 647 Broadway, amounting to \$2,668 25, The defence set up was that the tenants were deprived of the use of the stairway of No. 645, to which they were entitled, and that they were thereby obliged to vacate the premises, as they could not carry their work, employes and materials, consisting of plaster of Paris, blacklead and other ingre, ing of plaster of Paris, blacklead and other lagre, dients used in stereotyping, down the stairway of No. 647, which was a stairway that had been specially fitted up for the reception of authors, publishers and ladies, who were in the habit of visiting their establishment to correct proofs, &c. Mr. N. B. Hoxie, in summing up the evidence for the deiendants, held that the covenant of the lease so far as this controversy was cencerned, and for a breach of which Mr. Skemmerhora was sued as surety, was the covenant to pay \$500 every month during the term of the lease; that the stairways leading to the buildings were part of the premises described, and that as part of these stairways had been taken from the tenants the original amount of rent stipulated for had ceased to be. There could be no recovery in law against a surety under-sach circumstances, occause his contract was entire and unproportionable, and where there was a change between the original position of the debtor and creditor the surety became discharged. His liability was destroyed by an act of the plaintiffs, which it was their duty to have protected the tenants against—there had been a breach in the covenant for quiet possession—and the rights of the plaintiffs to recover the rent had been destroyed by their own act in evicting the tenants from the use of that stairway to which they were entitled. They had had one year's quiet, undistribed possession of the stairway, when it was suddenly taken from them, and it could not certainly be said that they had been using for twelve months a portion of the building to which they were not entitled. He held that as there was no construction in the lease which denied them the dients used in stereotyping, down the stairway o

tainly be said that they had been using for twelve months a portion of the building to which they were not entitled. He held that as there was no construction in the lense which denied them the use of the designated way they had every title to it as being an appurtenance to that portion of the building which they rented.

After the address of Mr. Morrison for the plaintiffs counsel consented that the following points should be submitted to the jury:—First, whether the two stairways were both appurtenant to or part of the demise? Second, whether there had been any eviction? and, third, the amount which should be deducted from the amount of rent claimed. Before the jury retired Mr. Morrison stated the plaintiffs claimed \$2,994, being the amount of rent with interest made up to date, and the defendant urged in extenuation that the value of their business since the injunction was issued fell off fully ness since the injunction was issued fell off fully fifty per cent, and held that plaintiffs could claim no interest. His Honor held that the plaintiffs would not be entitled to interest in the event of The jury returned into Court with a verdict for

MARINE COURT-SPECIAL TERM AND CHAMBERS.

Decisions.

By Judge Tracy. William H. Decker vs. Valentine Brown.—Motion to restore cause granted.
William F. McNamara vs. James M. Spelissy.—
Motion to vacate attachment desiled.
James Rusher et al. vs. W. Higbic Smith.—Motion
denied.

COURT OF GENERAL SESSIONS.

A Number of Thieves Sent to Sing Sing and the Penitentiary for Larceny.

Before Judge Bedford.
Michael O'Brien, who pleaded guilty to petit lar ceny from the person in September, was brought up for sentence. He was sent to the State Prison for two years.

watch from George Keller, pleaded guilty. His Honor sent Lynch to the State Prison for two

watch from George Keller, pleaded guilty. His Honor sent Lynch to the State Prison for two years.

James Kelly pleaded guilty to an attempt at grand larceny, the allegation being that on the 1st inst. he stole \$40 from Patrick Enroe. Penitentiary for one year was the sentence.

William J. McCann and Edward Malion, who were indicted for robbery, pleaded guilty to an attempt at grand larceny. The complainant, Mary Terboss, stated in her complain that on the 13th of this month the prisoners snatched a pocketbook, containing \$72, from her hand while walking through Nineteenth street. They were each sent to the State Prison for two years and six months.

William Bayer, Edward Cohen and John Reisinger, charged with assaulting Philip Ball on the 21st of October with violence, while walking on avenue C, and stealing \$13 in money, pleaded guilty to an attempt at petit larceny from the person. Bayer and Reisinger were sentenced to the State Prison for two years and six months. Cohen was sent to the Penitentiary for one year.

Otto Knapp and Archer Kerwin pleaded guilty to an attempt at grand larceny, the indictment charging them with stealing, on the 21st of October, \$200 worth of human hair, the property of Robert Link. As the prisoners were under twenty-one years of age the Judge sent them to the Penitentiary for two years.

Thomas Madden, who on the 13th inst. stole an overcoat valued at \$40, the property of Bernard Varley, pleaded guilty to petit larceny.

David Curry tendered a similar plea, the charge against him being that on the 5th of October he stole two gold medals, valued at \$22 and \$12 in money, the property of William W. Christian.

Lingi Betinarde pleaded guilty to an attempt to steal a silver watch from Filipo Gauze on the 25th of October.

Madden, Curry and Betinarde were each sent to the Penitentiary for six months.

Ephraim Jacobs, a youth, charged with stealing \$120 in bills from his employers, Valentine, Sandland & Co., pleaded guilty to an attempt at grand larceny. He was sent to the School Ship.

JEFFERSON MARKET POLICE COURT. Burglary and Arrest of Burglars,-High-

way Robbery.
Some weeks since the furnishing store, No. 571 Eighth avenue, kept by Charles J. Barrett, was broken into during the night and property to the amount of \$500 taken. Captain Mcliwaine, of the

Twentieth precinct, was informed of it and office McConnell was directed to take the matter in hand

McConnell was directed to take the matter in hand. On Tuesday he arrested Henry Burrows and John Henry, upon whose persons some of the stolen property was found. They were brought up before Jefferson Market Police Court yesterday and remanded to await further developments.

William Smith, a tailor, who stated that he was born in Russia, was passing home on Tuesday night, and, seeing a gentleman looking at his watch under a lamppost, thought it an excellent opportunity to acquire one of those necessary articles. He thereupon snatched it from the hands of the owner and fied. He was closely pursued and threw the watch into the gutter, but was overtaken and arrested. He was yesterday brought up before the Jefferson Market Police Court and committed without bail to answer.

COURT CALENDARS-THIS DAY.

COURT CALENDARS—THIS DAY.

COURT OF COMMON PLEAS—TRIAL TERM—Part 2.—
Held by Judge Larremore. Adjourned for term.
Part 1.—Held by Judge Loew. Adjourned for term.
SUPREME COURT—CIRCUIT—Part 2.—Held by Judge
Bartett—Short Causes.—Nos. 3934½, 3940, 3608, 262½,
3434, 3466, 3540, 3338, 3740, 3770, 11803½, 1436½, 2008,
3938, 3060, 3012, 3016, 3034, 3036.
SUPREME COURT—CHAMBERS—Held by Judge Fancher.—Nos. 40, 55, 56, 72½, 75, 85, 68, 134, 138, 139,
140, 174, 183, 201. Call, 214.
SUPREME COURT—CHAMBERS—Held by Judge Van Brunt—Short Causes.—Nos. 2711, 2735, 2953,
3429, 3505, 3623, 3667, 3691, 3709, 3715, 3767, 3769,
1063½, 1415, 1655, 1691, 2197, 2293, 3037, 3081, 3137,
3211, 3239, 3269, 3365, 3385, 3629, 3689, 3729.

BRCOKLYN COURTS.

UNITED STATES BISTRICT COURT. A Minor Discharged.

Before Judge Benedict. George Harris, of Rockland, Me., applied for the

discharge of his son George from the navy, on years old. Young George came from Maine and iell among some New York runners, who enlisted him and robbed him of his advance money and clothing. He was placed on board the Vermont, at the Navy Yard. Judge Benedick ordered his dis-

CITY COURT. Alleged Slander-A Settlement. Before Judge Thompson.

Mary Anne Grady brought suit against Georgi-ana and Stephen G. Lee for alleged slander. When the case was called, Mr. Britton and Mr Hoges, for the defence, made an amende to the plaintiff, and the suit was discontinued. Mr. Britplaintiff, and the suit was discontinued. Mr. Britton made a little speech on the subject, saying:—If come here to say that, so far as any information or knowledge which I have in this matter, there is nothing against Miss Grady. If these things were said which are alleged in the complaint, they ought not to have been said in any view of the case. I am free and ready to say, on my own responsibility, that they ought not to have been said, and that, so far as Miss Grady is concerned, to the extent of my information and knowledge, she is entitled to be considered free and clear of those charges which she alleges in her complaint were made against her; and if she goes out of this Court with this case untried she ought to feel satisfied that so far as any prejudice has resulted to her because of these supposed obligations, she is now entirely free from it. In saying that, I only say what I think is right and proper in order to get rid, on her account as well as on that of the client whom I represent, of a soit which would be disadvantageous, if tried, to both parties, as such suits always are.

as such suits always are.

Mr. Killian, for plaintiff, said that she acknowledged the amende, and that in bringing the suit she had no other purpose than self-vindication. Ap order of discontinuance was subsequently drawn and delivered to counsel.

COURT OF APPEALS CALENDAR.

ALBANY, N. Y., Nov. 27, 1872.
The following is the Court of Appeals day calendar for Monday, December 2:—Nos. 496, 867, 503, 511, 513, 516, 507, 517.

LESSONS OF THE BOSTON FIRE.

Timely Suggestions on the Construction of the Shutters, Sashes and Roofs of Buildings—The Proposed Punishment for Arson and the Management of Con-

flugrations. Chicoper, Mass., Nov. 25, 1872.

To the Editor of the Herald :
The recent configration in Boston and other fires daily occurring seem more like chastise ment than unavoidable calamities. Only one brief year ago the trump of the Destroying Angel, that spread destruction and desolation in Chicago, admonished us to prepare for similar visitations. Another phial of his wrath has been poured out, and we now realize the value of the neglected lesson at the price of life and immense wealth. It is to be hoped that we will not pause for a repetition of such a calamity to stimulate us to a sense of

Your able leading articles were first to urge the necessity for adopting improved means for extinguishing large fires, and already a host of intelligent and inventive correspondents have contribnted variable suggestions through the widely circulated columns of the Herald. Among these I think, much that is practical and worthy of consideration. Although, it seems to me, that even the best ideas yet given on the subject are faulty, inasmuch as the principle of cure instead of pre vention is made the essential element and basis of all the proposed plans, which necessarily involve immense expense, conceived as they are to meet

vention is made the essential element and basis of all the proposed plans, which necessarily involve immense expense, conceived as they are to meet the avoidable contingency of a city in flames instead of being made applicable to produce the desired result at the point where it originates, and thereby prevent it spreading. For I infer from simple inductive reasoning that if it is possible to conquer some hundred acres of fierce flame by any plan, mechanical or otherwise, one unliding or block on fire could be controlled correspondingly easier, with less expensive arrangements and prompt action, under a well directed and riginity disciplined force. But any plan not having prevention instead of cure as its chief feature wil, I presume, be a failure.

While our sympathics were exclusively excited by the ravages of the fire in Boston some two weeks ago, and that we should then, and not fill then, blindly grope for remote, untried and undiscovered remedies, and even propose the proposterous alternative of blowing up buildings, is, perhaps, not wonderful. But that such a pichosition should now be endorsed by the cool and defiberate indigment of American citizéns is a paradox to a civilization which triumphs in its active ments in science and art, with a national wealth in the form of labor-saving machinery, the product of inventive ingenuity, estimated to represent the labor of 150,000,000 of men; and yet that our mighty slumbers should be disturbed by Jears that the morrow might find us destitute and honeiess, amid the combined horrors of fire and explosions, indicates our extreme helplessness and shows, at least, that we are not masters of the stuation, and points to the government or wealthy interests of the country the necessity of giving a due stimulus to inventive thought, by the offer of a liberal reward for the simplest and most effectual mode of extinguishing and preventing the spread of fire.

As a preliminary to the general adoption of some more radical plan, I would suggest a simple precautionary mode of

in addition to this, make the crime of arson a capital offence, and in all cases the death penalty inevitable to any human demon convicted. With such measures rigidly carried out a great city in names in times of peace could only, I presume, be conceived as an event of the past.

P. G. CHISPOLM.

The arguments in the railroad appeal case were

THE GREAT RAILROAD SUIT IN JERSEY.

concluded yesterday in the Court of Errors and Appeals at Trenton. The Court decided to sustain the appeal, and ordered the whole matter up for the appeal, and ordered the whole matter up for final hearing at the next term of the Court. John Black and others were the appellants, and the Delaware and Baritan Canal Company and others the respondents. The question at issue is the validity of the lease, whereby the united rairoad and canal companies of New Jersey were leased to the Pennsylvania Rairoad Company for the period of 999 years. Messrs. Browning & Voorhees for the sppellants, and Messis, Williamson & Scudder for the respondents.

SMALLPOX AT QUARANTINE

Arrival of Vessels with the Loathesome Disease.

The Bark Columbia, from Bremen-Five Deaths at Sea and Twenty-two Sick and Dying-The Schooner Elizabeth Magee, from Boston, Also Infected-Action of the Health Officials.

During the past five or six months the vigilant and kind hearted officers of our port at Quarantine have been spared the pain often incidental to their constant duties in boarding vessels of witnessing sickness and death about them, and listening to the sad stories of dying emigrants, who, storm-tossed on the bosom of the deep, have succumbed to some terrible epidemic, whose deadly poison was only developed after days at sea. These officials have often heard with sympathetic hearts such sorrowing tales, while they endeavored to alleviate pain and assuage the grief of sisters, brothers, fathers and smothers, who had lost their dearest relatives

and they too are familiar with the stories of sailors rescued from the jaws of death and know the first history of ship wrecked vessels and steamers made unmanageable by gales and hurricanes. To them such stories are not new, and the past week was full of the latter, as every new arrival seemed to bring more painful accounts of the terrible storms which recently swept over the Atlantic, dismantling and sinking the stoutest ships that ever stemmed mountainous seas. But in all the tales of

HARDSHIP AND SUFFERING there have fortunately been but few disasters fatal to the hardy crews who man them, and, almost miraculously, the long voyages made have not been instrumental but in one case in spreading disease among vessels crowded with emigrants. That case came to the eyes of the Quarantine officials yesterday, and, though sadder stories are remembered by scores, it is enough to make those not familiar with the sufferings of the

Quarantine officials yesterday, and, though sadder stories are remembered by scores, it is enough to make those not familiar with the sufferings of the poorer classes that cross the ocean, to pity them in the fullest tenderness of their hearts. The with two pulling tugs, stopped their headway off Quarantine about two o'clock in the afternoon, and after boarding other vessels whose prior arrival demanded it—"for it is first come first served" in this important work—the Deputy Health Officer stepped on the deek of the bark, and his practised eye told him at once there had been and was sickness and serious trouble there. It did not take long for him to ascertain that this vessel, under the command of Captain Schumacker, leit Bremen fifty-two days before, with a crew of twenty and 337 passengers, old and young, male and female, married and single, bound for this port, full of the aspiration which the more intelligent German emigrant possesses when safely embarked for America. In forther prosecuting his duties and going below the officer found, not to his dismay, for he was familiar with such sights, but to his great grief, twenty-two helpless men and women and children, some

NEAR UNTO DEATH, down with that loathesome disease, the smallpox; and more, he ascertained that during the voyage live had died—two infants, one lad and two grown persons—and were buried at sea. It is not too much to say the sight of the sick was extremely disgusting; but with that promptitude characteristic of the perfect system in vogue to protect our city from the encroachment of any pestilence or disease in this manner action was at once taken to relieve, first, the worst cases—those who were in the manner action was at once taken to relieve, first, the worst cases—those who were and then to look to the comfortably in blankets, and, long before the surrounding men in small boatsknew of the matter the suffering emigrants were on their way at once sent for, and upon its arrival the twenty-two sick were passed over the side of the vessel, who

which was at once done, and neither the citizens of that locality nor of New York

NEED BE ALARMED.

The officials of Quarantine are and have always been prepared for such dread visitors to this port as the Columbia, and will stay their progress at the boarding station.

ANOTHER SMALLFOX VESSEL.

The schooner Elizabeth Magee, Captain Barrett, eleven days from Boston, came into port yesterday at duk, with one case of the same loathsome disease as found in the Columbia. The vessel is quarantined, and, after the removal of the sick scaman, was jumigated and all necessary precautions in the case at once taken.

GRAMMAR SUNGOL NO. 2.

The President of the Department of Public Instruction Rises to Explain. DEPARTMENT OF PUBLIC INSTRUCTION, NEW YORK, Nov. 27, 1972.

NEW YORK, NOV. 24, 1942. F TO THE EDITOR OF THE HERALD:— In your issue of the 25th inst. an article appeared headed "The Innocents in Danger," in which your reporter was pleased to connect my name. In order that yourself and the numerous readers of your journal may correctly understand my position

in the matter, I ask your kind indulgence to trespass a little upon your valuable space by inserting the following:

On the morning of the 19th instant Mr. Leman, accompanied by Mr. Henry Tice (one of the School in Inspectors of the district in which the school in question—No. 2—is located), called upon me, and stated that in his opinion, and in the opinion of others—one or two of whom he named—that the building known as Ward School No. 2 was in an unsafe condition. He seemed somewhat excited. I promptly replied that if he would obtain the certificate of two competent architects, builders or other experts, certifying the building to be unsafe I would close the school the next morning. I also advised him to send a communication to the Board of Public Instruction on the subject. After he had left, in order to do my whole duty in the premises, I addressed the following note to the Superintendent of Buildings:—

Department of Public Instruction, } in the matter, I ask your kind indulgence to

DEPARTMENT OF PUBLIC INSTRUCTION, NEW YORK, NOV. 19, 1874

JAMES McGRECOR, Esq. :- New YORK, Nov. 19, 1872.

DEAR SIN—I have had a verbal communication relative to the sairty of Grammar School building No. 2, 118 Henry street. Will you please make a survey or said school as regards safety, Ac., for the purposes for which it is used, and report to this department at your carriest convenience? Very respectfully, yours.

BERNARD SMYTH,

President Department Public Instruction.

In answer to which I received the following:-DEPARTMENT OF BUILDINGS, P. NEW YORK, NOV. 21, 1872. C. BERNARD SMYTH, Esq., President Department of Publications of the Control of Publication of Publications of the Control of Publication of Publicat

Behamado Smyrii, Esq., President Department of Public Instruction.—

Dear Sim—In answer to your communication relative to the safety of Grammar School building No. 7, at No. 116 Henry street, I would state that I have had the same examined by two inspectors of this department, who report that "the building is perfectly safe, except the plastered ceilings in bows play ground, primary and male departments, they being haddy cracked and portions having failen heretofore. They should be taken off and new ceilings put up. Yours, respectfully.

JAMES M. MACGREGOR, Superintendent of Buildings. William H. Class, Clerk.

I also consulted with Mr. David I. Stagg, the Superintendent of Buildings of the Department of Public Instruction, requesting him to make a survey of the building. Mr. Stagt cracked plastering remire port in all respects similar to a fact the proper state of the stage of the consultation of the proper stage of the stage

HEAVY ASSESSMENT IN BROOKLYN.

At a meeting of the Kings County Board of Asessments, held yesterday, the Union street improvement assessment, amounting to \$410,000, was confirmed. The assessment district for this work is 100 feet on each side of the street from Gowanus Canal to the Park plaza. This amount has been already paid by the city, which now seeks reimbursement for the expenditure by assessing the property on the line. The assessments reach as high as \$1,000 and \$1,200 per lot. Assessor Field voted in the negative upon the motion to conduct the assessment.